

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KATHERINE MOUSSOURIS, HOLLY
MUENCHOW, and DANA PIERMARINI, on
behalf of themselves and a class of those
similarly situated,

Plaintiffs,

v.

MICROSOFT CORPORATION,
Defendant.

Case No. 2:15-cv-01483-JLR

**DECLARATION OF MARK S. PARRIS
IN SUPPORT OF MICROSOFT
CORPORATION'S RE-FILING IN
COMPLIANCE WITH FINAL ORDER
ADOPTING SPECIAL MASTER'S
REPORT AND RECOMMENDATION
RELATED TO MOTIONS TO SEAL**

1 I, MARK S. PARRIS, declare as follows:

2 1. I am a Partner at Orrick, Herrington & Sutcliffe, LLP, counsel of record for
3 Defendant MICROSOFT CORPORATION (“Microsoft” or the “Company”) in connection with
4 the above-captioned matter. I am a member in good standing of the State Bar of Washington
5 and am admitted to practice before this Court. I have personal knowledge of the matters set
6 forth in this Declaration. If called as a witness, I am competent to testify to those matters.

7 2. I submit this declaration in support of Microsoft’s re-filing in compliance with
8 the Final Order adopting the Special Master’s report and recommendation related to the parties’
9 Motions to Seal.

10 3. On March 1, 2018, this Court adopted the Special Master’s report and
11 recommendation granting in part and denying in part the parties’ motions to seal. (R&R (Dkt.
12 # 351); Final Order (Dkt. # 369)). As per the Court’s Order, the Special Master’s Report and
13 Recommendation, and with Plaintiffs’ consent, Microsoft is re-filing revised versions of the
14 redacted documents.

15 4. As part of this re-filing, Microsoft notes that the revised version of the excerpts
16 from the Deposition of Melinda De Lanoy was listed as Dkt. # 273-11 in the Special Master’s
17 report and recommendation, but the requested areas to seal actually correspond to Dkt. #273-12.
18 Furthermore, although the Special Master’s report only addressed the Errata for the expert
19 reports of Dr. Farber and Dr. Saad, Microsoft is re-filing the original versions of these expert
20 reports (Dkt. # 230 and Dkt. # 289 respectively) as well to provide consistency on the Court’s
21 docket with respect to the sealed information. Moreover, Microsoft is re-filing the revised
22 version of Exhibit A to the Corrected Expert Report of Dr. Ali Saad (Dkt. # 355-1), which
23 provides corrections to certain statistics and calculations and serves as the operative version of
24 Dr. Saad’s expert report, as well as a revised version of Exhibit B to the Corrected Expert Report
25 of Dr. Ali Saad (Dkt. # 355-2), which provides a redline comparison of the original and corrected
26 expert reports of Dr. Saad. (MTS Corrected Dkt. # 353).

27 5. Microsoft’s re-filing does not include the documents the Special Master’s report

1 and recommendation instructed the Clerk to re-file. These instructions to the Clerk include:
2 partially unsealing Exhibit C to the First Shaver Declaration by unsealing the version of Exhibit
3 C that is attached to the Second Shaver Declaration as Exhibit D (Dkt. #279-3); unsealing
4 Exhibits D (Dkt. #229-4), E (Dkt. #229-5), and G (Dkt. #229-7) to the First Shaver Declaration;
5 and unsealing Exhibit 9 to the Parris Declaration (Dkt. #288-5) (excerpts from the Deposition
6 of Katie Moussouris). Microsoft is willing to re-file these additional documents on the docket
7 if the Court instructs it to do so; otherwise, it will defer to the Clerk to re-file the documents as
8 outlined in the Special Master's report and recommendation.

9 I certify under penalty of perjury and pursuant to the laws of the United States (28 U.S.C.
10 § 1746) that the foregoing is true and correct, and that this declaration was executed by me on
11 March 12, 2018

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13
14 /s/ Mark S. Parris

Mark S. Parris

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on March 12, 2018, I caused the foregoing document to be
3 electronically filed with the Clerk of the Court using the CM/ECF system which will send
4 notification of the filing to all counsel of record.

5
6 DATED: March 12, 2018

ORRICK, HERRINGTON & SUTCLIFFE LLP

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8 By: /s/ Mark S. Parris
9 Mark S. Parris (WSBA No. 13870)
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